

35 USC §102

Claims 1-10 are herein rejected under 35 USC §102(b) as being anticipated by Owens et al. (US 5,878,501). The Applicant respectfully disagrees.

Claim 1 recites in part “A utility knife tool comprising:...g) an intercept member for **disengaging the blade cover driver upon blade cover movement exceeding the exposure distance** and dispatching the blade cover to the locking configuration covering the cutting edge of the blade.” (emphasis added).

The Original Specification, page 3, paragraph 0009 further describes the intercept member by stating that:

“Continued movement of the trigger lever, such as that which may automatically occur in a panic situation, **causes contact of the blade cover with the intercept member which causes disengagement of the trigger lever from the blade cover and the return of the blade cover to a locked position covering the cutting edge of the blade.**” (emphasis added)

More specifically, in the Original Specification, page 6, paragraph 0022 again further describes the intercept member by stating that:

“As long as the trigger lever 50 is maintained in this position, the knife tool 10 is fully functional for cutting material. However, and is illustrated in Figures 6 and 7, if the trigger lever 50 is drawn proximally a further distance, as may occur in an emergency or hazardous situation, to thereby exceed the exposure distance, the proximal end of the releaser 42 becomes misaligned by striking the inclined ramp 68 within the travel path of the blade cover 16 inside the hollow interior portion 14 thereof and forces the hook 52 of the trigger lever 50 from the ledge 38 of the blade cover 16. When this

occurs, the return spring 56 immediately draws the blade cover 16 distally to cover the cutting edge 18 of the blade 20 while the locking ring 54 simultaneously engages the transverse opening 34 of the blade cover 16 for locked immobility and resulting minimization of potential injury because of an exposed blade 16.

In this manner, the knife tool 10 here defined permits both superb cutting efficiency and sensed potential injury to thereby provide equipment able to accomplish a favorable work product.” (emphasis added)

Owens teaches in Column 4, lines 17-37 that depression inwardly of the buttons 76 deflects the arms 72 inwardly and moves the tabs 78 outwardly of the notches 70 as illustrated by the lower button in Figure 9 and in Figure 36. The blade guard 14 is then moved inwardly or outwardly by pushing the tabs 78 along the slots 52. Owens does not teach, disclose or suggest that if the blade guard is moved back too far to a certain point in relation to the notches exposing the cutting edge of the blade that an intercept member will contact the blade cover and disengage it back to where the blade cover is covering the cutting edge of the blade and is in a locked position. This safety feature found in the Present Application is not present on the Owens knife in any of the Figures or in the Detailed Description despite the interpretation of Owens presented by the Examiner on pages 2-3 of Paper No. 3.

In addition, Owens does not teach all of the claimed elements of the present application. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention “**arranged as in the claim**”. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Owens does not

teach a utility knife tool having an intercept member for disengaging the blade cover driver upon blade cover movement exceeding the exposure distance and dispatching the blade cover to the locking configuration covering the cutting edge of the blade. Claim 1 is therefore allowable as not being anticipated by Owens. Further, Owens does not anticipate claims 2-10 of the present application by virtue of their dependency on claim 1.

REQUEST FOR TELECONFERENCE


The Applicant respectfully requests a teleconference with the Examiner if all of the issues are not resolved and the application not placed in condition for allowance upon review of this Response. The undersigned Attorney-of-Record can be reached on behalf of the Application at the direct line number shown below.

REQUEST FOR ALLOWANCE

Claims 1-10 are pending in this application. The applicants request allowance of all pending claims.

Respectfully submitted,

Rutan & Tucker, LLP

By: 

Sandra P. Thompson, PhD, Esq.

Reg. No. 46,264

E-mail: sthompson@rutan.com

Direct Line: 714-641-3468

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Attorneys for Applicant(s)
611 Anton Boulevard, Fourteenth Floor
Costa Mesa, CA 92626-1998
Tel: (714) 641-5100
Fax: (714) 546-9035

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